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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,747	06/07/2001	Sarah E. Jordan	US010391	1883

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EXAMINER

SHAH, DEVAANG

ART UNIT PAPER NUMBER

3737

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

3.01

Office Action Summary

Application No.

09/876,747

Applicant(s)

JORDAN, SARAH E.

Examiner

Devaang Shah

Art Unit

3737

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16, 19, 20, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 17, 18, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 10, 19, 20, 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,091,841 to Rogers et al. Rogers et al. disclose a method and system for segmenting desired regions in digital mammograms. The system includes means for acquiring diagnostic images and processing the image to remove labels and patient information. Means to identify data to be obscured is also provided (figures 1-3). The system includes a user interface coupled to an image manager, which has been configured to identify and obscure patient identification parameters. A radiologist enters commands relating to regions of interest (column 2, lines 40-53; figures 4-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,210,327 to Brackett et al. in view of U.S. Patent No. 6,091,841 to Rogers et al. Brackett et al. disclose a method and apparatus for sending image data to a remotely located device. The method includes acquiring diagnostic images, identifying patient information to be excluded, and exporting the images over a network (column 4, lines 21-47). The patient information to be excluded is in the form of patient attributes having a name, a value representation, and a tag number unique to the attribute. Each attribute may be included or excluded from being exported over the network. However, Brackett et al. do not disclose the modification of the actual image, i.e. pixel data.

Rogers et al. disclose a method and system for segmenting desired regions in digital mammograms. The method includes acquiring diagnostic images and processing the image to remove labels and patient information. This is done using a binary mask (column 4, lines 62-67; column 5 lines 1-7; figures 2 and 3). It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize a binary mask to obscure patient information as in the Rogers et al. method with the method of exporting image data over a network using the Brackett et al. method because masking is a well known image processing method and would perform the function of removing patient attributes as disclosed in Brackett et al.

Allowable Subject Matter

4. Claims 8, 9, 17, 18, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 5,930,404 to Hattori

U.S. Patent No. 6,241,668 B1 to Herzog

U.S. Patent No. 6,260,021 B1 to Wong et al.

U.S. Patent No. 5,865,745 to Schmitt et al.

U.S. Patent No. 6,352,511 B1 to Hossack et al.

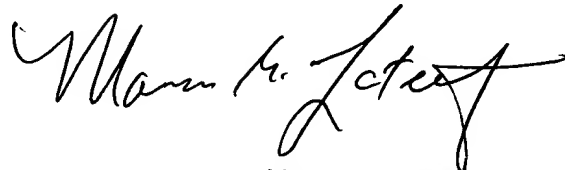
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devaang Shah whose telephone number is 703-306-0333. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on 703 308-3256. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-308-0758 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

DS *DS*
September 28, 2002



Marvin M. Lateef
Supervisory Patent Examiner
Group 3700